

Amendment No. 6 to SB0113

**Kyle
Signature of Sponsor**

AMEND Senate Bill No. 113

House Bill No. 130*

by deleting the directory language of Section 1 of the bill as amended that reads as follows:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 5, Part 6, known as the Education Professional Negotiations Act, is amended by deleting the part in its entirety and by substituting instead the following:

and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 5, is amended by adding the following language as new part 11:

AND FURTHER AMEND by adding the following new amendatory section at the beginning of the amendatory language of Section 1 of the bill as amended and by renumbering subsequent amendatory sections of Section 1 appropriately as sections in new part 11:

49-5-1101.

(a) A local board of education shall before September 15, 2011, by a vote of its members, decide whether it will use the collaborative problem-solving process set forth by this part in determining the terms and conditions of professional employee service in its school district. The local board shall certify the result of its vote to the secretary of state. If a majority of the members of the local board of education votes to use the collaborative problem-solving process of this part, then part 6 of this chapter, the Education Professional Negotiations Act, shall cease to apply in the LEA on the date such vote is certified to the secretary of state. If a majority of the members of the local board of education votes not to use the collaborative problem-solving process of this part, then the LEA shall not be subject to this part and the Education Professional Negotiations Act shall continue to apply in the LEA.

(b) If a local board of education chooses to use the collaborative process of this part, then every three (3) years when it is required under § 49-5-1111(a)(2) to review the professional employee manual for revisions, the local board of education, at least forty-five (45) days prior to any revision being considered, shall decide by a vote of its members whether to continue to use the collaborative process under this part. The local board of education shall certify the result of its vote to the secretary of state. If, by a majority vote, the board decides not to continue to use the collaborative problem-solving process of this part, then this part shall no longer be applicable to such local education agency and part 6 of this chapter shall again apply to the LEA on the date such vote is certified to the secretary of state.

(c) If a local board of education has voted not to use the collaborative problem-solving process of this part whether at the initial vote before September 15, 2011, or at a later date, then three (3) years from the date of any such vote the local board of education shall again decide by majority vote whether it will come under this part. The local board of education shall certify the result of its vote to the secretary of state. If a majority of the members have decided to use the collaborative problem-solving process of this part, then the Education Professional Negotiations Act shall cease to apply in the LEA on the date such vote is certified to the secretary of state.

AND FURTHER AMEND by deleting in the amendatory language of Section 1 of the bill as amended the following language:

(a) This part shall be known and may be cited as the "Advancement of Student Achievement Act".

and by substituting instead the following language

(a)

(1) This section and §§ 49-5-1103—49-5-1111" shall be known and may be cited as the "Advancement of Student Achievement Act".

(2) The Advancement of Student Achievement Act shall apply only in those LEAs whose local board of education have chosen pursuant to § 49-5-1101 to come under this act.

AND FURTHER AMEND by deleting in the amendatory language of Section 1 of the bill as amended the following language:

Such training program shall be implemented, as appropriate, within each local education agency no later than July 1, 2012.

and by substituting instead the following language:

Such training program shall be implemented, as appropriate, within each local education agency that has chosen to come under this part no later than July 1, 2012.

AND FURTHER AMEND by deleting in the amendatory language of Section 1 of the bill as amended the following language:

(d) Any and all bargaining being conducted pursuant to the Tennessee Education Professional Negotiations act on the effective date of this act shall be suspended.

and by substituting instead the following language:

(d) Any and all bargaining being conducted pursuant to the Tennessee Education Professional Negotiations Act on the effective date of this act shall be suspended in LEAs that have chosen to come under this part.

AND FURTHER AMEND by deleting in the amendatory language of Section 1 of the bill as amended the following language:

Upon the termination of any existing agreement, subsequent professional employee relationships between the respective board of education and its professional employees shall be governed by this part.

and by substituting instead the following language:

Upon the termination of any existing agreement, subsequent professional employee relationships between the respective board of education and its professional employees

shall be governed by this part; provided, that the local board of education has chosen to come under this part.

AND FURTHER AMEND by adding in the section that was formerly designated "49-5-606. Unlawful acts." of the amendatory language of Section 1 of the bill as amended the following new subsection (a) and by redesignating the remaining subsections accordingly:

(a) The provisions of this section shall apply in those LEAs whose local boards of education have chosen to come under this part.

AND FURTHER AMEND by deleting in the amendatory language of Section 1 of the bill as amended the following language:

(a)

(1) Each local board of education shall develop and adopt a professional employee manual that contains the local board's procedures for establishing policies relative to the employment and working conditions of professional employees. The professional employee manual, once adopted, shall be binding on the local education agency until a new or renewed professional employee manual is adopted by the local board of education as provided in subdivision (a)(2).

and by substituting instead the following language:

(a)

(1) Each local board of education that has chosen to come under this part shall develop and adopt a professional employee manual that contains the local board's procedures for establishing policies relative to the employment and working conditions of professional employees. The professional employee manual, once adopted, shall be binding on the local education agency until a new or renewed professional employee manual is adopted by the local board of education as provided in subdivision (a)(2).

AND FURTHER AMEND by deleting in the amendatory language of Section 1 of the bill as amended the following language:

Every local board of education shall develop and adopt, as provided in subdivisions (c)(2) through (4), an initial professional employee manual no later than April 17, 2012.

and by substituting instead the following language:

If a local board of education by September 15, 2011, chooses to come under this part, then the local board of education shall develop and adopt an initial professional employee manual, as provided in subdivisions (c)(2) through (4), no later than April 17, 2012.

AND FURTHER AMEND by deleting the language "board of education" in the amendatory language of Section 4 of the bill as amended and by substituting instead the language "board of education that has chosen to come under title 49, chapter 5, part 11"

AND FURTHER AMEND by deleting in its entirety Section 5 of the bill as amended and by substituting instead the following:

SECTION 5. Tennessee Code Annotated, Section 5-23-107(1), is amended by deleting the language "resolution or negotiated agreement pursuant to title 49, chapter 5, part 6" and by substituting instead the language "resolution, negotiated agreement pursuant to title 49, chapter 5, part 6 or professional employee manual adopted pursuant to § 49-5-1105".

AND FURTHER AMEND by deleting in its entirety Section 9 of the bill as amended and by substituting instead the following:

SECTION 9. Tennessee Code Annotated, Section 49-2-203(a)(6), is amended by designating the existing language as subdivision (A) and by adding the following language as new subdivision (B):

(B) Except as otherwise provided in this title, if the local board of education has adopted a professional employee manual under chapter 5, part 11 of this title, establish policies relative to the dismissal of teachers, principals, supervisors and other employees by the director of schools upon sufficient proof of improper conduct, inefficient service or neglect of duty; provided, that no one shall be dismissed without first having been given in writing due notice of the charge or charges and an opportunity for defense;

AND FURTHER AMEND by deleting the language "49-2-203(a)" in the directory language of Section 10 of the bill as amended and by substituting instead the language "49-2-203(b)".

AND FURTHER AMEND by deleting in its entirety Section 12 of the bill as amended and by substituting instead the following:

SECTION 12. Tennessee Code Annotated, Section 49-3-306(h), is amended by adding after the language "and in compliance with § 49-5-611" the language ", if applicable,".

AND FURTHER AMEND by deleting Sections 2, 3, 6, 7, 8, 11, 13 and 14 of the bill as amended in their entireties and by renumbering the remaining sections accordingly.